

AGENDA ITEM I-2




**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Receive Report from the Boosters of Boys/Girls Sports Review Committee
MEETING DATE: March 3, 2004
PREPARED BY: City Clerk

RECOMMENDED ACTION: Information only.

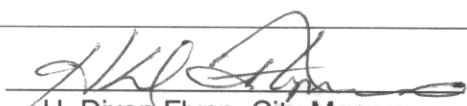
BACKGROUND INFORMATION: Bob Johnson, Chairperson for the Boosters of Boys/Girls Sports Review Committee, will be at the meeting to give a report to Council on the Committee's recommendations, a copy of which he will forward to Council in advance of the meeting.

FUNDING: None required.


Susan J. Blackston
City Clerk

SJB/JMP

APPROVED:


H. Dixon Flynn, City Manager

BOBS AD HOC REVIEW COMMITTEE
125 N. Stockton St
Lodi, Ca

Feb. 29, 2004

To: Mayor Larry Hansen and Members of the Lodi City Council

From: Bob Johnson - Committee Chairman

Subj: Final Report of Committee Activities

On Nov. 10, 2003, the Lodi City Council held a joint meeting with the Lodi Parks and Recreation Commission. At that meeting, the Council unanimously created an Ad Hoc Committee to address a number of concerns raised by members of the public, members of Council and the City Attorney relative to the makeup and operation of the BOBS as well as the relationship the BOBS has with the City. The results of this review were to be delivered to the Council by the first meeting in March, 2004.

The Council instructed that the Committee be headed by two Park and Recreation Commissioners and that the remaining members be selected from BOBS members and interested citizens. Indications of interest to serve on the Committee were received from 28 individuals. Ten individuals, including the previously mentioned Commissioners, comprised the final committee. Of the ten members, three are current members of the BOBS Executive Board, three were former BOBS Board members and the remaining four have never been members of the BOBS Executive Board. These four members were very familiar with the BOBS and their programs.

The Committee consisted of Commissioner Scott Davis, Jerry Burns, Rick Castelanelli, Craig Norton, John Johnson, Jim Martin, Jim Murdaca, John Portscheller, Glenda Wall and myself.

The Committee met three times. All meetings were posted with the City Clerk however no members of the public attended any of the meetings.

Subsequent to the Nov. 10 meeting, I requested from each of you your comments, questions and concerns about the BOBS, their operation and their relationship with the City. A similar request was made of former City Attorney Hays as well as the BOBS Executive Board and the Park and Recreation staff. It is interesting to note that many of the same comments and concerns were raised by several individuals.

The following is a recap of these concerns as well as the Committee recommendation or action.

- The Committee felt that all current and future BOBS Executive Board Members should be held to the same standards of background investigation and fingerprinting as those required by the state of volunteer coaches.
- The Committee felt the BOBS have procedures in place to insure that their meetings are open to the public and that the public has ample opportunity to bring forth concerns for Board consideration. It might be timely however to review and clarify, if necessary, these procedures. The committee also felt that dissemination of Board minutes was being properly handled and that these minutes were available to the public and other interested parties.
- The City currently assigns a Recreation Supervisor as staff liaison to the BOBS. The Committee feels the City should provide staff support for any group who sole purpose is to benefit the City. The Committee does agree that this staff liaison should not be a voting member of the BOBS Executive Board. It is the Committees understanding that the staff liaison will be replaced on the Executive Board.

- Currently there are several part time employees on the Park and Recreation Staff who are BOBS Board Members or BOBS volunteers. The Committee isn't concerned about the possibility of any conflict arising out of this situation and suggests that the City shouldn't be overly concerned about how an individual chooses to devote his or her volunteer time.
- The Committee and the BOBS both agree that it is inappropriate for the City and the BOBS to share the same mailing address. The BOBS have secured a Postal Box for their purposes. The Committee and the BOBS also agree that it is inappropriate for the City liaison to be listed as the one to receive legal documents on behalf of the BOBS. A BOBS Board Member has been assigned this responsibility.
- In an attempt to clarify which programs are the responsibility of the BOBS, the organization is developing a new registration form which will identify them as the responsible party for the activity. This application will include their mailing address. The Committee noted that the BOBS apparently have an under utilized web site which should be revived. It is felt that this site could be used for online registration, better and more rapid communication between coaches, parents etc. An additional benefit of the web site would be to lessen the impact on Park and Recreation staff.
- The City currently provides an insurance indemnification for the BOBS in the amount of \$250,000. Questions have been raised about the wisdom of such coverage. This indemnification may be duplicative of the coverage already included through the various sports programs. Nevertheless, the Committee agreed that the City should continue to indemnify the BOBS.
- The Committee suggests that a clarification be made to the 1987 agreement between the BOBS and the City in which it indicates that the Park and Recreation Director be "authorized to assign and direct the members of the BOBS ...". The Committee suggests, and both parties agreed, that the BOBS and the Park and Recreation Director would meet to clarify and amend the language of the agreement.
- Two items of a general nature were brought to the Committees attention. A suggestion has been made that the BOBS periodically "spot audit" various portions of the organizations books. While no one has suggested that any accounting irregularity is taking place, it was felt that such a review could provide a sense of security to the public. Another concern was the shrinking of funding available for "scholarships" for children who can't afford to participate in youth programs. The BOBS Board, the City Staff as well as other community groups are committed to insuring that sufficient funds are available so that no child is turned away.

In summation, the Committee hopes it has addressed the concerns you have raised. I look forward to answering any questions you might have at the Council meeting March 3. In the interim if I can provide you additional information please contact me.

The Committee further believes that the BOBS is an organization which has provided significant benefit to the City for more that 40 years. Their dedication and commitment to the youth of our community has been outstanding and we hope that they continue to volunteer on our behalf for decades to come.

filed 3-3-04
public comments

To: Lodi City Council

From: Ron Bernasconi

Date: March 3, 2004

Regarding: The Report of the BOBS Ad Hoc Review Committee

First, I would like to commend the Committee on its recommendation that all current and future BOBS Board Members be required to pass the background checks to keep violent/and sexual criminals away from our youth as required by state law.

- However, according to the Committee's January 15 Minutes, Bob Johnson reminded the Committee that our former city attorney said the City has no control over the BOBS, which begs the question. Will the City be able to implement the Committee's Recommendations?
- First and foremost the assertion that the City has no control over the BOBS is not consistent with the 1987 agreement between the City and BOBS, which states "It is acknowledged and agreed that the Director of the City's Park & Recreation Department shall be the authorized person to assign and direct the members of BOBS in their participation of the sports and recreation program of City."
- BOBS' Bylaws further define the City's relationship with the BOBS when they state that the specific purpose of the BOBS is, "To serve as an advisor to and coordinate with the Lodi Parks and Recreation Department in all matters pertaining to joint program sponsorship, general program policies, and rules and regulations."
- Clearly, the BOBS is to serve as an advisor to the Lodi Parks and Recreation Department, which is headed by the Parks and Recreation Director who reports to the City Manager who reports to the City Council.
- Moreover, according to the Committee's Minutes, BOBS Board Member Rick Castelanelli stated that the city can mandate changes to the BOBS at anytime and the BOBS bylaws allow for the board to dismiss a board member
- Finally, the question of whether a City can delegate the authority to administer a public function to a private entity without retaining adequate control to protect the public interest was settled back in 1913 by the California Supreme Court when it invalidated a contract between San Francisco and a private corporation, where the city had not retained sufficient control over operations to protect the public interest for the delegation to be valid.
Egan v. San Francisco (1913) 165 Cal. 576, 583-584

Given all the above, the Committee's suggestion the Parks and Recreation Director meet with the BOBS to clarify the extent of the City's authority over the BOBS is well intentioned but ill-conceived. If you do not believe that the City must retain sufficient control over BOBS operations to protect the public interest for such a delegation to be valid the City should seek an Attorney General Opinion on this issue.

Allowing the Park and Recreation Director to amend the 1987 Agreement between the City and the BOBS is a kin to allowing Randy Hays and Michael Donovan to draft an ordinance that supplants State Law and as we now know, reinventing the legal wheel is very expensive and does not work.

THE AD HOC COMMITTEE ALSO RECOMMENDED THAT THE CITY SHOULD CONTINUE TO INDEMNIFY THE BOBS.

- Unfortunately, according to the February 17 minutes, BOBS Board Member, Mr. Martin said that, "if it meant being under the city's authority, then the board would reject indemnification by the city" after Mr. Johnson said the BOBS would be foolish not to let the City indemnify the BOBS.
- This is a prime example of the mindset, which is harming the BOBS. In order for the City's agreement with the BOBS to be valid, the city must retain sufficient control over BOBS operations to protect the public interest.
- Now Mr. Martin may not want the city council looking over the BOBS shoulders. However, he is not governing a private corporation. The BOBS is a public benefit corporation, which holds public assets in trust.
- Moreover, according to the December 16 minutes Mr. Burns stated that for as long as he can remember, insurance for Pop Warner, cheerleading, and youth baseball has always been purchased through the City and the BOBS do not own our Parks, our City does.

- The minutes indicate that the Committee had no discussion regarding the scope of the indemnification or the type of risk they were recommending the City assume. Currently, the City of Lodi does not have the ability to select BOBS Board members nor has it been able to require them to obey the law. Yet, the City must indemnify BOBS Board members, which is a recipe for disaster. Please review the attached letter to Bob Asklof and the declaration of a minor who recently assaulted our son at the behest of a BOBS Board Member. Clearly the Ad Hoc Committee had no idea the type of risk it is asking the City to assume.

Given the enormous liability, which can be created by BOBS Board Members as they interact with the Public on the City's behalf from city owned facilities, the BOBS should indemnify the City or at least the indemnifications should be reciprocal and conditional on the BOBS obeying all laws and the City's policies, procedures and directives.

FINALLY, THE COMMITTEE WAS MISLEAD TO BELIEVE THAT BOBS HAVE MEETINGS THAT ARE OPEN TO THE PUBLIC & THAT THE PUBLIC HAS AMPLE OPPORTUNITY TO BRING FORTH THEIR CONCERNS.

According to the Committee's January 15 minutes when Chairman Johnson asked weather or not BOBS need to meet in a public forum Mr. Martin stated "that he thinks that is a bad idea and that meetings would become a circus." Mr. John Johnson asked "how a problem other than an on-the-field problem is addressed?" Mr Castelanelli answered "that those with issues are allowed to speak at board meetings"...Mrs. Wall asked "if any member of the public can come just to sit and watch the meetings" and BOBS Board Members Castelanelli, Martin and Burns all answered in the affirmative.

However, according to the attached letter from the BOBS Board of Directors, "Our Board of Director Meetings are not open to the public... and concluded "it is the opinion of the Board of Directors that we deny your request to be put on the agenda ..."

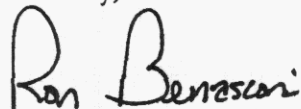
The fact that BOBS Board meetings have been closed to the public is further evidenced by a letter authored by Karen DeJong which states, "the Board does not have to allow the public access to the meetings" and "what happens in the boardroom whether we agree or not remains there."

In closing subject to my comments above, I agree with most of the Committees Recommendations and I believe that they would share my concerns if they were given a more complete and accurate briefing of the facts and relevant documentation regarding the City's authority, the City's indemnification and California's open meeting requirements.

According, I will attempt to meet with the Committee Members over the next few weeks so that their recommendations to this Council may become more fully informed.

Thank you for your consideration. I would be happy to answer any question you may have.

Sincerely,



Ron Bernasconi
3019 Oak Knoll Way
Lodi, California 95242
209.368.7717

C: BOBS Ad Hoc Review Committee
The Recreation Commission

Via Email @ basklof@comcast.net
Bob Asklof
1107 Lake Home Drive
Lodi, California 95242

Wednesday, January 21, 2004

Subject: CEASE & DESIST DEFAMATORY OR RETALIATORY CONDUCT AGAINST THE BERNASCONI FAMILY

Mr. Asklof:

On June 24, 2002, I emailed you to report that a man with a violent criminal conviction had been coaching our son during the two previous seasons at CYSA League Games in your District on public schools and parks.

In response you replied on July 01, 2002, that "Any issues about Blaine DeJong and you are not CYSA issues, they are local league issues and you should make your complaint to the Boosters of Boys and Girls Sports (BOBS)," which did not seem right given CYSA's required disclosure by adults who supervise minors of any crime of violence.

Ironically, it was not the screening standards of the City, State, CYSA or the BOBS that removed a man with a violent criminal conviction from his illegal position of authority over our son. This only occurred after DeJong's entire team left BOBS' jurisdiction to play for another coach, which precipitated the need for our son's release.

Then, on November 6, 2003 your retaliation against our family reached a new low when you stated, **"I have followed the antics of a Ron Bernasconi in the youth soccer league in Lodi from a distance over the past few years."** However, you did more than follow from a distance. **You gave secret testimony on July 17, 2002 against the release of our son after I reported Blaine DeJong's criminal conviction to you on June 24, 2002.**

Now due process and fairness require that those against whom testimony have been made, be allowed to hear testimony against their interests and be given an opportunity to respond. However, you ignored our concerns regarding our son's coach's violent criminal conviction and then gave secret testimony against our son's release and then left the room before we were allowed to enter the room where our son's appeal was heard.

We only learned of your opposition to our son's release after we found a reference to your testimony in BOBS' Minutes, which evidence the complicity of a few current and former BOBS Board members, and a CYSA District Commissioner in violations of due process and/or various State laws relating to the open governance of public assets and the failure to implement public safety screening standards.

We should not have had to experience such retaliation when we reported a CYSA Coach's violent criminal's conviction to you to determine how CYSA and/or the State of California's public safety screening standards were circumvented.

The time you expended sullyng my reputation should have spent investigating how a former Lodi Youth Soccer League Coordinator who was simultaneously serving as a CYSA Competitive Coach obtained a CYSA Competitive Coaching Pass and was allowed to remain in a position of authority over minors at CYSA activities for two consecutive seasons after he had been convicted of a violent crime that State Law prohibited his authority over minors on public schools parks and recreational facilities, which is where most of, if not all, of CYSA's league play is conducted.

Be advised, your November 6, 2003 memorandum contained false statements and relied on defamatory documents housed in the Park and Recreation Building, which were distributed by the DeJongs and the Parks and Recreation Director on the eve of the November 10 joint meeting of the Lodi City Council and the Lodi Recreation Commission to address the City's relationship with the BOBS.

These defamatory documents were produced and/or assimilated by the DeJongs while acting in their former capacities as Lodi Youth Soccer League Coordinators and BOBS' Board members who kept files filled with defamatory letters, which they solicited, encouraged and/or authored to use against those who disagree with their views. Most of these letters are open, alerted, orchestrated and/or non-contemporaneous. With one exception, I was never shown any of these letters so that improvements could be made or hidden agendas uncovered.

Then, after being accumulated in secret for years these letters were widely circulated on the eve of the joint meeting of the City Council and the Recreation Commission by a few current and former BOBS' members including the current Parks and Recreation Director outside of a public forum to destroy my credibility prior to the public hearing so that my serious concerns regarding the unlawful administration of Lodi Youth Sports programs would be discredited.

Such practices create criminal and civil liability. Youth sports programs and the rights of individuals should be administered in a fair manner, where unbiased panels adhere to due process procedures and use standardized forms to evaluate complaints against players or coaches instead of blind letters, anonymous sources and secret testimony to support decisions made before the subject of the complaint is given a chance to defend themselves.

Unfortunately, your November 6, 2003 Memorandum to the City Council, Recreation Commission, City Staff and the BOBS, exemplifies and relies on such sources and methods, which have submerged serious public policy issues into a cesspool of irrelevancies, half-truths, lies and distortions.

As you may recall, in response to DeJong's installation as BOBS President, Joe Mariani's resignation stated, **"I cannot in good conscience continue to serve under someone who has exhibited such poor judgment, lack of control, and outright malice."** Be advised Mr. Asklof, your November 6, 2003 memorandum evidences the same outright malice, which gives rise to punitive damages.

Moreover, the Supreme Court has held that expressions of "opinion" often imply an assertion of objective fact, and the First Amendment does not require the "creation of an artificial dichotomy between 'opinion' and fact" and you have advanced your opinions as **"my information which is FACT," without doing any investigation.**

Your November 6, 2003 memorandum exaggerated already false information to attribute false motive and malfeasance to my conduct after you failed to act in the public interest when I contacted you to determine if or how DeJong circumvented CYSA's Screening Standards and State Law to gain authority over minors on public property.

In a weak attempt to impugn my character, your August 6 memorandum stated, "Mr. Bernasconi is NOT a "competitive coach" **he is unqualified primarily because he has not attended a referee class to learn the laws/rules of play.**" This is irrelevant and untrue. I have held a CYSA Coaching Certificate since 1996 and the attached letter from USSF Referee Instructor Douglas Chard states, **"Ron Bernasconi completed all the requirements, including the payment of fees, to become a USSF-licensed referee as of August 21, 2003."** Therefore, I completed all the requirements well in advance of league play which started in January of 2004.

Then you distort a misunderstanding regarding the need for a referee license to coach at the competitive level into evidence of a character flaw by stating, **"If Mr. Bernasconi has lied about these facts, what else has he lied about or distorted to suit his personal agenda when he has addressed the City Council regarding the BOBS..."**

Clearly, it's more important to tighten up the youth sports volunteer screening standards and centralize reporting and disclosure of prohibited convictions than to distract the Council with a false claim that I did not attend a referee class.

It seems silly to have to address your false claims when such serious public policy concerns are at issue. However, I will address a few of more of your false claims so that all can see how overblown and irrelevant they are.

You claim that, **"Mr. Bernasconi is the typical empty wagon that makes the most noise, but has nothing in it. He has nothing constructive to say or do, he is evidently jealous I guess of others people's success and believes that if he tears them down it lifts his boat."**

This has never been my nature as evidenced by my ability to deal with adversity constructively, which establishes that after being raised by a single working mother, I put myself through college and became the first person in my family to graduate from a university, the University of the Pacific.

This life experience has given me the ability to look young men in the eye and tell them that no matter their station in life or their past mistakes, they can pull themselves up by their bootstraps and have a successful / fulfilling life if they are willing to be good and work hard.

My wife and I have enrolled and transported many young men to summer school in Stockton and Lodi. We have taken a troubled youth into our home to stem truancy and keep him in school. Lodi High notifies us when one of our team members fails to attend class or has failing grades and we have been designated guardians for these purposes.

Frankly, I resent your assertion that I am an unfit role model. The boys on our Team are given something to aspire to. I have received Certificates of Recognition from Senator Johnston and Assemblyman Machado and I have owned my own business since 1991. Now, with the exception of my community service, awards and family, these are just monetary measures of success. However, these accomplishments have allowed me to stop work earlier than most several days a week and volunteer my time to mentor young men.

This has always been a priority of mine because I know first hand how important this is, especially for boys who don't have fathers at home, which makes your false claim that I **"stacked a team with players of greater ability than the players that were assigned to play on his team..."** If I remember correctly the players were not even registered to play, these players in adult sports would be called **"ringers"** especially galling.

Not only did you fail to "remember correctly," you have exaggerated and distorted the misinformation. These so called "ringers" were one boy named Abel who had never played on a team before and was on the waiting list, which was withheld by two BOBS Board Members until I was only able to add one of the two boys before the CYSA cut-off date to add additional players had lapsed.

The two boys on the waiting list lived in an apartment building just across the street from the Parks and Rec building. The first boy, Cookie, was home and he was immediately rostered. His older brother Rafael became my *de facto* assistant coach after Ted Coffee abandoned the team after I asked him to stop threatening Kyle Ganly after Kyle's mother complained about Ted's threats to her son during practice.

Abel was from a broken home and was visiting his father who lived out of town. Abel returned about a week later and when I tried to turn his CYSA Membership Form in to register Abel I was told by Karen DeJong who was then a BOBS Director and the Lodi Youth Soccer League Coordinator that it was too late to add any players to our team.

It was a sad day when I told Abel that he could not be on our Team. A boy like Abel from the east side without a father at home does not get many breaks and every time I would pickup Cookie for practice, Abel asked if he could come along. I just could not bring myself to deny this young boy the opportunity to play soccer because two adults in a position of authority and trust had withheld the source and location of the Parks and Recreation waiting list in bad faith. So I let Abel keep his uniform and he played on our team the remainder of the season.

My assistant coach, who had abandoned the team and is now on the BOBS Board, wrote a self-serving open letter reporting that I put Abel on the Team and I got a 3 year suspension, which I wear as a badge of honor.

Now I knew that the appropriate punishment for playing an un-rostered player was a one year suspension. However, I did not argue, complain or "attempt to destroy the BOBS." I made the decision to let Abel play and I lived with consequences of my actions as I continued to support Lodi Youth Sports Programs through the BOBS and Blaine DeJong's Competitive Soccer team for the next two years in every way that I could.

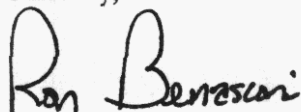
Clearly, you don't know me at all Mr. Asklof and these facts do not support your false claim that I am a, **"disgruntled former coach in youth soccer that has been bending the ears of the City Council with false accusations with the intent of destroying the Boosters of Boys and Girls Sports Organization"**

Given all the above, I was surprised to learn of your recent conversion to my point of view, which is evidenced by your submittal to the CYSA Board of Directors that states, **"Anyone that has been convicted of a crime of sexual misconduct or physical abuse of another person shall not be eligible to be a member of this association or to participate in any activities related to CYSA activities."**

If you truly support my efforts to protect our youth from violent or sexual criminals by establishing more uniform screening and reporting standards for all entities who administer youth sports, please add the requirement that all CYSA members that participate in activities with minors on public schools parks or recreational facilities be required to pass the background check and adhere to the public safety screening standards of the California Public Resources Code, which has been on the books since 1993.

Although I am pleased to see you finally focusing on the real public policy issues, your reformation won't absolve you from the liability that your conduct has created over the last year and a half. Therefore, I demand you issue a retraction to your November 6, 2003 Memorandum and cease defamatory or retaliatory conduct against the Bernasconi Family.

Sincerely,



Ron Bernasconi
3019 Oak Knoll Way
Lodi, California 95242
209.368.7717

C: Lodi City Council
Lodi City Manager
Lodi Parks and Recreation Commission
Parks and Recreation Director
The BOBS
CYSA's Board of Directors
Corey Allen

October 26, 2003

Douglas Chard
9718 Chaparral Ct
Stockton, CA 95209

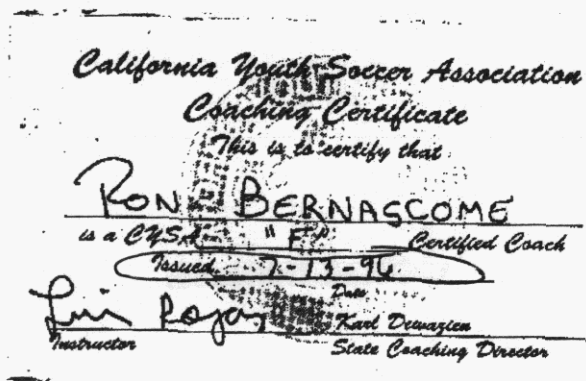
To whom it may concern:

This is to inform you that Ron Bernsaconi completed all the requirements, including payment of fees, to become a USSF-licensed referee as of August 21, 2003. He participated in a class sponsored by County Line Youth Soccer League held at Arcohe School in Herald, CA.

If you have any questions, please feel free to contact me.

Douglas Chard

Douglas Chard
USSF Referee Instructor
Phone 209-951-0123



Proposal #13

Submitted by: Bob Asklof, District VIII Commissioner

Current: 2:08:01

2:08:01 This Association opposes sexual and physical abuse. To the extent permissible under applicable law, the Board of Directors and members shall adopt procedures consistent with this policy consistent with criteria established by USSF.

Proposed:

2:08:01 This Association opposes sexual and physical abuse. To the extent permissible under applicable law, the Board of Directors and members shall adopt procedures consistent with this policy consistent with criteria established by USSF.

(a.) Anyone that has been convicted of a crime of sexual misconduct or physical abuse of another person shall not be eligible to be a member of this association or to participate in any activities related to CYSA activities.

Justification:

This makes sure that a known felon is not allowed to participate in CYSA Activities as a coach, trainer, or other function with in CYSA and it's leagues.

Rules & Revisions Recommendation: Approve (0) Not Approve (5) Abstentions (2)

Majority Position:

Board of Directors Recommendation: Approve (8) Not Approve (3) Abstentions (1)

Ron Bernasconi

To: Robert Asklof

Subject: Our June 09, 2002 Correspondence & our June 23, 2002 Email

Bob, please understand that this not an issue between Blaine and I; almost the entire Lodi BU-15 team left our league to play in adjacent Leagues over the last two years. With respect to Blaine's criminal convictions, we did not want to raise such sensitive issues so locally. However, we will apprise the Lodi Boosters of Boys and Girls Sports in accordance with your July 1 Email.

Thank you for your attention to these matters. Please do not hesitate to contact me should you have any questions, comments or concerns.

Ron
368.7717

-----Original Message-----

From: Robert Asklof [mailto:raskhof@attbi.com]

Sent: Monday, July 01, 2002 10:00 PM

To: Ron@BernasconiCommercial.com

Subject: Re: Our June 09, 2002 Correspondence

Ron: Any issues about Blaine DeJong and you are not CYSA issues, they are local league issues and you should make your complaint to the Lodi Boosters of Boys and Girls Sports.

Bob Asklof,

----- Original Message -----

From: Ron Bernasconi
To: raskhof@attbi.com
Sent: Monday, June 24, 2002 6:07 AM
Subject: FW: Our June 09, 2002 Correspondence

Bob, give me a call when you get back to discuss.

Thanks,

Ron Bernasconi
 209.368.7717
www.BernasconiCommercial.com

-----Original Message-----

From: Ron Bernasconi [mailto:Ron@BernasconiCommercial.com]
Sent: Sunday, June 23, 2002 11:59 AM
To: 'SOCCERJAN@aol.com'
Cc: 'suecysa@aol.com'
Subject: RE: Our June 09, 2002 Correspondence

Jan, Thanks for your prompt reply to my email. With respect to our Son's Inter-League Player Release we're presently proceeding through the proper channels and our appeal of the Lodi Competitive Soccer Committee's denial will be heard by the Lodi Competitive Sports Committee on July 17.

However, irrespective of the disposition of our Son's appeal, we believe immediate steps must be taken to protect the players and their parents from further abuse from the current D.O.L. league coordinator for Lodi.

As indicated in our June 09th letter to you, Sue Gonzales and Bob Asklof, the facts contained in our letter requesting an Appeal, raise serious questions regarding the fitness of Blaine DeJong to serve as the League Coordinator for Lodi.

More specifically, on May 21, 2002, Blaine DeJong subjected my Wife to verbal abuse, which was so angry that my Wife feared that she was going to be physically harmed by Blaine DeJong.

After she expressed her fear to me, I went to the Court House and secured the attached public records, which indicates that Blaine DeJong has criminal convictions for Infliction of Corporal Injury to Spouse/Cohabitant/Parent of Child and DUI Alcohol/Drugs.

With these past convictions should he be allowed to be a Coach, Lodi Coordinator, and CYSA & BOBS Board Member? Are there any safeguards in place regarding CYSA rules prohibiting involvement by individuals that have a criminal record with our children? We would appreciate your guidance.

Please keep in mind our appeal to obtain our son's release is in process through B.O.B.S. organization and at this time our complaint to CYSA regarding Blaine DeJong's past conduct and fitness to serve is another issue, which is why we have corresponded with you, Bob Asklof and Sue Gonzales.

Clearly, it is a very serious matter when our youth are subjected to a poor role model and a mother

7/8/2002

must fear for her physical safety when she is only trying to remove her son from further exposure to a negative influence.

Please relay our concerns and confer with the appropriate D.O.L. Board Officers on this matter and advise what action will be taken.

Thank you for your attention to this matter and please do not hesitate to contact me should you have any questions, comments or concerns.

Ron Bernasconi
209.368.7717

-----Original Message-----

From: SOCCERJAN@aol.com [mailto:SOCCERJAN@aol.com]

Sent: Wednesday, June 19, 2002 9:29 PM

To: Ron@BernasconiCommercial.com

Subject: Re: Our June 09, 2002 Correspondence regarding our efforts to allow our Son's...

Ron, It is difficult to figure out what you are trying to do in regard to your correspondence. You can go through the proper channels with Lodi Youth Soccer, then you have the right to file a formal appeal with the District if you are not satisfied with the Lodi decision. There is a specific manner in which that must be done. Unfortunately I cannot tell you the specifics of how it works. It might be best for you to contact the District Commissioner, Bob Asklof to find out how to go about an appeal. He is at 333-1131.

Good Luck Jan Ball District VIII Registrar

Sunday, November 09, 2003

Lieutenant Frank Grenko
Lodi Police Department
230 West Elm
Lodi California 95240

Re: Case # 03-010641

Dear Lieutenant Grenko;

Below is the declaration of my son [REDACTED], who was a minor at the time of his arrest on September 11, 2003.

Since our son's arrest we have learned that his former employer Blaine DeJong, solicited, requested, encouraged, and/or intentionally misled our son to induce our son to hit Michael Bernasconi, which was a violation of law.

Therefore, I am requesting that the Lodi Police Department interview all material witnesses named in the declaration below and bring charges against Blaine DeJong for Contributing to the Delinquency of a Minor.

We are willing to decline to press charges against Mike Torrente, if your investigation yields evidence that Mike Torrente was also misled by Mr. DeJong to help convince our son to hit Michael Bernasconi so long as Mr. Torrente cooperates with your investigation so the harm and stress to our son can be minimized.

Please do not hesitate to contact me should you have any questions, comments or concerns.

Sincerely,

[REDACTED]

DECLARATION OF [REDACTED]

My name is [REDACTED]. I'm a 17 year old senior at [REDACTED]. I go to a different school than Michael Bernasconi, I did not know him and I had never seen him prior to hitting him on September 9, 2003.

I was told by my former boss Blaine DeJong of Auto Works several stories about how his step son [REDACTED] was picked on and was getting beaten up by Mike Bernasconi. Blaine told these stories to me over a few months. During this time, Blaine and the other employee (Mike Torrente) in the shop were also often talking about Michael tormenting [REDACTED]. Then one day Blaine asked me "what would it take to get this punk's ass kicked?" He said this to me twice. On the same day another employee at Auto Works, Mike Torrente said "Mike Bernasconi is a kid that deserves to get punched, you should just hit him once" and he showed me with his fist how to punch him. That's what I did. On September 9, I had my friend [REDACTED] drive me to look for Michael Bernasconi at his soccer practice at Lodi High School. I asked, "is anybody here Mike Bernasconi?" As Mike started walking up to me, I asked, "are you Mike Bernasconi?" He said "yes" and that's when I got out of the truck and hit him. [REDACTED] knew the whole story, I told him that my boss, Blaine told me to do it because they had problems in the past.

About 25 minutes after the incident I called my best friend, [REDACTED] and told him what I had done. Then about 20 minutes later, his father, Mike Torrente Sr. of Auto Works called me and asked me if I was going to come back to work at the shop and I said I had to get my work permit back. I thought I better tell him what I just did because I believe that's why he really called me since he would not just call me for nothing. I told him "I did what you

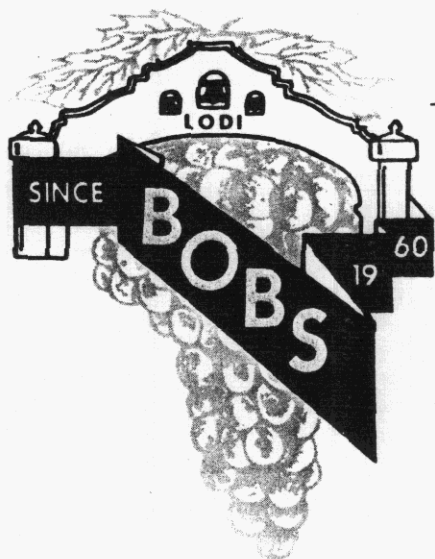
guys told me to do to Michael Bernasconi, I hit him" and he said "I never told you to do that."

After this happened, I learned through my parents that [REDACTED] and Michael are friends and there were no problems between them as I had been lead to believe. I don't know why Blaine lied to me. I really looked up to Blaine and I thought if I didn't make it right, I might not have my job so I was kind of scared and I thought if I took care of this for him it would help me in a lot of ways. I thought I had to do something to please Blaine and prove myself to him. I would not have hit Michael Bernasconi had Blaine DeJong not asked and encouraged me to. Blaine lied to me about Michael Bernasconi for several months and caused me to strike Michael Bernasconi. For all I know he also lied to Mike Torrente about him too, and that's why Mike said what he did.

I declare under penalty of perjury of the Laws of the State of California that this Declaration is true and correct to the best of my knowledge and belief..

BY: _____

_____ on November 8, 2003



Boosters of Boys/Girls Sports Organization

Parks & Recreation Department: 125 N. Stockton Street / Lodi, California 95240

Telephone (209) 333-6742

March 6, 2003

Mr. and Mrs. Bernasconi
3019 Oak Knoll Way
Lodi, Ca. 95242

Subject: **March 12, 2003 B.O.B.S. Board of Directors Meeting**

Your request to be placed on the agenda of our March 12, 2003 meeting was forwarded to us by Tom Alexander. The B.O.B.S. Organization is a California Nonprofit Public Benefit Corporation. As such we are not controlled or operated by the City of Lodi. We also do not fall under the guidelines of public access of the Brown Act. Our Board of Director Meetings are not open to the public however we have made exceptions in the past for non board members to be present and to give a presentation if we felt it was for the good of the community and our programs. After careful consideration and consulting with legal counsel, it is the opinion of the Board of Directors that we deny your request to be put on the agenda for the March 12, 2003 B.O.B.S. Board of Directors meeting.

Sincerely

B.O.B.S. Board of Directors

Cc: Roger Baltz
Cc: Tom Alexander

Karen Hutz-DeJong
2855 Bristol Lane
Lodi, Ca. 95242

Mr. Ron Marks
19333 Del Rio
Woodbridge, Ca. 95258

Re: Your letter to the Record

3/13/03

Dear Ron,

I have wanted to write this letter to you for some time, ever since you responded to my letter that appeared in the Record. There are several inaccuracies in your letter. Since I am no longer on the board I feel I can say the things that need to be said. I never betrayed anyone on the board, or tried to destroy the board like you almost did! I have discussed my feelings with other board members.

- ❖ You never served as President of the board for four terms. You served two, plus a half after Rod moved.
- ❖ When you ran for re-election in '01 I was present in the board room and I was one of the only "few" that voted for you vrs. Tony. I felt with your experience and years with the board you were the best choice. You would hopefully do more than Tony ever did. Everyone was worried about your health.
- ❖ Blaine only had two complaints as a soccer coach/coordinator. He never had one written complaint as a Rec. Coach, and only the Bernasconis and Satherwaites have complained about him in Comp. How do I know? You forget I headed up LYSL (3 yrs), and Rec (5yrs). All complaints came directly to Tom and me. The only reason Satherwaites/Bernasconis complained was because his name appeared on the refusal for the Release. I guess you don't know that a committee of Competitive



You acted like you hated having women on the board that had opinions, and if they had brains, that really bothered you!

- ❖ As far as Bernasconis not attending the meeting last night, you had nothing to do with it! You cannot take credit for something you didn't do! They received a letter telling them they would not be allowed to attend. The Brown Act does not affect the BOBS. The board does not have to allow the public access to the meetings. Someone has to stand up to them! There isn't any more trash that the Bernasconis can throw our way, but you and other members? They are sick, and hopefully since no one at the City, Rec. Commission, or CYSA is listening they are finished! One can only hope!
- ❖ Last but not least, Blaine and I will never forgive you for betraying us! I have asked David Hill to remove your name from the prayer list at our church. Of course, he wouldn't do that, because he is a Christian. When was the last time you attended Grace? Blaine and I supported you when you were sick, and could not carry out your duties. We actually CARE! I told David that you are not a Christian, because if you were you wouldn't have allowed all of this crap to happen to us, or the board. You do not betray friends, and what happens in the boardroom whether we agree or not remains there. You don't release any information to people who are on a mission to destroy your fellow board members! This is a vendetta, with no legal grounds, and no wrong doing on our part, or Max's.
- ❖ If you have any conscience at all you will help to stop the Bernasconis, and former board members. I don't care if you are pissed off at me, or my letter. I had to support my husband. I love him, and this is wrong what is happening. My husband's health has been affected by this ordeal since December. I have asked our attorney to check into a Restraining Order based on Emotional Distress. Unless you want to be a part of causing more